

## **REMARKS**

Claims 4-6, 13-15, 22-24, and 28-37 were rejected in the above-identified final Office Action. In response, Applicant has canceled claims 4-6, 13-15, 22-24, and 28-37 and has added claims 38-61. No new matter has been added. Accordingly, claims 38-61 remain pending.

### **Support for New Claims**

Support for claims 38-46 may be found at least in Figure 5 and in paragraphs 16 and 33-42 of Applicants' Specification. Support for claims 47-49 may be found at least in Figures 3 and 4 and in paragraphs 17-32 of Applicants' Specification. Support for claims 50-61 may be found at least in canceled claims 4-6, 13-15, 22-24, and 28-37.

### **Claim Rejections - 35 USC §102**

On page 2 item 3 of the above-identified Office Action, the Examiner rejects claims 4-6, 13-15, 22-24, and 28-37 under 35 U.S.C. §102(e) as being anticipated by US Patent No. 6,426,772 issued to *Yoneyama et al.* (hereinafter "Yoneyama"). Applicants respectfully disagree.

More specifically, the Examiner cites a number of passages and elements of Yoneyama as disclosing the recitations of claims 4, 13, and 22. Those passages and elements teach a video encoder using a "bit-rate control for controlling the number of output bits to become a constant volume over a predetermined period of time" (col. 1, lines 7-10). To achieve the constant volume over the predetermined time period, the video encoder of Yoneyama is equipped with a next input image selector 8. Selector 8 specifies a time (T<sub>next</sub>) at which an input image to be processed next is to be input after finishing an image encoding. T<sub>next</sub> is specified based on a skip time interval (T<sub>last</sub>) between processed images previously detected from a video picture, a variance of a number of output bits of an input image from a scheduled number of output bits, and a status of a virtual buffer storing compressed images for transmission.

Applying Yoneyama to claims 4, 13, and 22, the Examiner equates Tnext to the compression time, Tlast to the target frame period, selector 8 to the video controller of claim 22, and output bits controller 6 to the bit rate controller of claim 22.

In response, Applicants note that the cancellations of claims 4-6, 13-15, 22-24, and 28-37 obviate their rejections. Because claims 50-61 recite elements similar to those of claims 4-6, 13-15, 22-24, and 28-37, however, Applicants point out the differences between Yoneyama and claims 50-61 further herein.

#### Claims 50-61

In contrast to claim 50, Yoneyama fails to disclose “a compression time associated with a length of time taken to compress a video frame of raw video image data using a processor”. Rather, the Tnext equated by the Examiner to the compression time of claim 50 is a time at which a new frame is to be input, not a *length of time* associated with compression of a video frame. Thus, Tnext is a time of day, or clock time, not a duration of time. Accordingly, Yoneyama does not disclose, in as complete of detail as is claimed, the compression time recited by claim 50.

Additionally, Yoneyama fails to teach “determining whether the processor is limited in its ability to compress video image data”, as recited by claim 50. The passage cited by the Examiner, col. 6, lines 55-65, as disclosing a similar element in the cancelled claims describes the determining of Tnext by selector 8. Applicants respectfully submit that the determining of Tnext in no way teaches or requires a determination of whether a processor is limited in its ability to compress video image data. Further, that passage discusses the various factors on which Tnext is based, those factors mentioned above in detail. None of those factors, however, discloses expressly or inherently a determination that a processor is limited in its ability to compress.

Further, Yoneyama fails to disclose “determining ... based on whether a difference between the compression time and a target frame period exceeds a threshold amount”, as recited by claim 50. In the Office Action, the Examiner cites col. 7, lines 47-57 states that it teaches “comparing Tlast and Tnext time for suitable encoding by

decision detector.” Applicants do not understand what the Examiner means. If he means to suggest that Yoneyama teaches a comparison of Tnext and Tlast, the passage in column 7 cited by the Examiner makes no mention of any such comparison. Rather, the passage deals with the entirely unrelated selection of an appropriate image for encoding. This selection is entirely independent of Tnext and Tlast. Further, the previously cited passage from column 6 does not suggest such a comparison, because Tnext is described as being partially a product of Tlast. Since it is the end result of some operation involving Tlast, it makes no sense to compare Tnext to Tlast. Also, claim 50 teaches a comparison of a *difference* between the compression time (Tnext, according to the Examiner) and the target frame period (Tlast according to the Examiner) to a threshold amount, not a comparison of the compression time and target frame period. Yoneyama does not even discuss calculating a difference between Tnext and Tlast, nor is any reason to calculate such a difference disclosed in Yoneyama.

§102 rejections require that the cited reference teach the claimed invention in as complete of detail as is claimed. As remarked above, Yoneyama simply does not disclose the recitations of claim 50. Accordingly, claim 50 is patentable over Yoneyama under §102.

Claim 55 recites elements similar to those of claim 50. Thus, claim 55 is patentable over Yoneyama for at least the same reasons as claim 50.

Claims 51-54 and 56-61 depend on claims 50 and 55, respectively, incorporating their elements. Accordingly, claims 51-54 and 56-61 are patentable over Yoneyama for at least the same reasons.

#### Claims 38-49

Claims 38-49 include recitations different from those rejected in claims 4-6, 13-15, 22-24, and 28-37. Accordingly, Applicants respectfully submit that, at least because of those different recitations, claims 38-49 are patentable over Yoneyama.

### **Conclusion**

Applicant submits that claims 38-61 are in condition for allowance. Accordingly, a Notice of Allowance is respectfully requested. If the Examiner has any questions concerning the present paper, the Examiner is kindly requested to contact the undersigned at (206) 407-1513. If any fees are due in connection with filing this paper, the Commissioner is authorized to charge the Deposit Account of Schwabe, Williamson and Wyatt, P.C., No. 50-0393.

Respectfully submitted,  
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